

G. R. S. 58]

Previous references.

Pol 80-09(1-9)

1913.14

( Police )

Later references.

File No. 278-13

Serial Nos. 1-2

May be  
revised  
for  
type

## GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B for

May 15

### SUBJECT.

Irregularity of the Coorg Police  
in not taking charge of an arrested  
person handed over to him

- 2) To the F. A. Report No. 1132 of 17.5.15  
Request him to bring the above  
instance of irregularity to the notice  
of the Chief Commr of Coorg for such  
action as he may deem fit in the  
matter.

M. Ghosh

5/6/15

## GENERAL AND REVENUE SECRETARIAT.

( Police )

## NOTES.

File No. 278-13

## FILE HEADING.

*Irregularity of the Cong police in <sup>not</sup> taking charge of an arrested person handed over to them.*

From

*The I.G. of Police in Mysore*

No. 4605-537

Dated  $\frac{4}{5}$  5-14

Received 6-5-14

Diary No. 1367

Enclos. ..

Spare Copies. ...

Serial No. 1

## BRIEF ABSTRACT OF LETTER.

*Brings to notice the irregularity of the Cong police in having refused to take charge of a person <sup>who was</sup> wanted by the At. Maffie, Cong, and who ~~was~~ <sup>escorted</sup> to the Cong police frontier by the Mysore Police to be handed over to the Cong Police.*

## NOTES AND ORDERS.

1) Persons arrested under warrants issued by Cong Maffie should be escorted by the Mysore Police to the frontier and handed over to the nearest Police station within British India, Cong where arrangements will be made to receive

R. S. 12]

General and Revenue  
Secretariat.

Police File No. 278 of 1913-14

Serial  
No.

V

all prisoners so delivered. (Vice late  
Chief Commr's orders nos. 8761-Tudl 12 and  
7291-Tudl 9 of 21.1.1879 and 12.1.1880 respectively)

2) Subd. for orders with a draft  
to the F.A. Resident.

B.G.  
(49) 19.1.15

28  
19.1.15

First Member

If, as I presume, Mota was  
a native of Mysore and failed  
to appear before the Dist Magistrate  
of Mercara, was he guilty of  
an offence? Has the D.M. any  
authority <sup>under the Cr. P. Code of Br India</sup> to issue a war-  
rant against him? Any precedents?

4) This matter must be  
considered & settled before we  
write to the Residency.

20/1/15

*[Signature]*

*[Signature]*

20/1/15

5) Please put up the references.

*[Signature]*

Art 15 of the  
J. & A. Act

Serial  
No.

6) Subd.

The British Indian magis-  
trate summons to compel the appearance  
of witnesses under sections 208 and 212  
of the Code of Criminal Procedure (British).  
Section 90<sup>(b)</sup> of ~~the Code of Criminal Procedure~~  
~~the Code of Criminal Procedure~~ provides for the issue of  
warrants when witnesses fail to make  
their appearance in obedience to ~~the~~ summons.  
~~Disobedience to notification is not~~

7) Criminal processes issued  
by the Courts of British India are executed  
in Mysore in accordance with the  
instructions contained in the <sup>late</sup> Chief  
Commissioner's notification no. 111 dated the 23<sup>rd</sup>  
July 1878. This notification by directing  
the execution of such processes has  
recognised the authority of British Indian  
Criminal Courts. So it seems that ~~a~~  
disobedience to a summons executed  
under the above notification amounts  
to an offence under section 174 of the I.P.C.

8) A case in which the

Arrest of M. K. K. M. appeared  
in Criminal Court in Bellary in  
response to a summons is traced & put  
up. Attention is invited to para 11 & 12  
of the notes in that file.

\* Page 48 Cr. Digest.

Police 80-09

H. W.

Serial  
No.

31.7  
4  
Please put up the criminal digest  
copies for chief commissioner's notification  
B. 25/4/15

c) Subd. A copy of the notification is  
The 23<sup>rd</sup> July 1878 No. III put up.

d) It seems doubtful whether the disobedience  
of summons issued by a British Court, is and is not punishable  
by the Mysore Courts or not punishable by the Courts. It seems  
to me to be punishable by the Mysore Courts.

B. 25/4/15

Just-Member)

12) I have added a paragraph  
to the letter drafted. Please  
refer to all authorities who will  
bring the file to me personally  
to discuss whether this may  
be adopted finally.

17/3/15 H. M. S.

13) Please put up all the references  
before Monday morning.

B. 25/4/15

14) Subd. Copy of the Mysore Treaty  
is already in the file. Mysore's Criminal

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Ss 172, 173.  
Ss 174, 175.  
Ss 176, 177.  
Ss 178, 179.  
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R. S. 12]

General and Revenue  
Secretariat.

Police File No. 278 of 1913-14

Serial  
No.

Fe 5-10 have  
not been received  
back.  
P.S.  
27.4.15

Law (1901) and Sinker's Civil Procedure  
Code Vol I (1905) are put up.

3.4.  
20.3.15

15)

Please put up today all the files  
relating to the orders mentioned in Ro of 22<sup>nd</sup> June 1899, and  
also the file in which that order was issued.

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16) Please put up also the file relating to the introduction  
of Regulation I of 1886

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P.S.  
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7.6

17) Subd. It will be seen from the  
requisition slips put up that the file relating  
to the orders referred to is not readily traceable.  
The file relating to the introduction of  
Regulation I of 1886 obtained from the Lt. Governor  
is linked up.

P.S.  
22.4.15

18) Submitted with a copy for  
approval as personally directed

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First Member)

Draft appd. by First member  
M.S.

13.5.15.

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P.S.  
27.4  
Done  
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Pol. File No. 278 of 1913-14

Serial  
No.

2

To The F. A. Resident

Pol No 1732 of 17-5-15.

Requests him to bring the above instance  
of irregularity (vide slt.) to the notice of the  
Chief Commissioner of Coorg for taking such  
action as he may deem fit in the matter.

Office of the Inspr-Genl of Police in Mysore.  
Bangalore, Dated 4th May 1914.

From

C. Srikantesvara Aiyar Esquire, B.A.  
Inspector General of Police in

To,

The Secretary to the Govt. of H.H. the Maharaja of  
Mysore, Genl. and Rev. Depts.

Sir,

The District Magistrate of Coorg summoned one Mota, a resident of Krishnarajpet to give evidence before him in a criminal case. On his failure to attend the Court in obedience to the summons, the same District Magistrate issued a bailable warrant for his arrest. The Police of the Krishnarajpet Taluk arrested the person, but on his failing to tender the requisite bail, he was sent by tanna tappal to the Court. The Mysore Police escorted the prisoner to the nearest Coorg Frontier station Fraserpet (Kusalana-gara) where the Coorg Police refused to take charge of him on the 13th October 1913. Further on, the Police at Suntikoppal also declined to take charge of him. The Mysore Police were therefore obliged to escort him to Mercara where he was handed over to the Coorg Police, after much trouble. The action of the Coorg Police seems to be opposed to the procedure laid down in the late Chief Commissioner's Proceedings No. 8761/Judl. 12 dated the 21st January 1879. I have the honor to bring this, to the notice of the Government, for such action as considered necessary to avert such incidents in future.

I have the honor to be,

sir,

Your most obedient servant,

*C. Srikantesvara Aiyar*  
Inspector General of Police.

DIARY No. 3607

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4  
13/5.  
No. 1132 / Police 278-13-52.

To

The First Assistant to the

Hon'ble the Resident in Mysore.

Sir,

I am directed to request you to be so good as to bring the following instance of irregularity on the part of the Coorg Police to the notice of the Chief Commissioner of Coorg for such action as he may

deem fit to take in the matter.

The District Magistrate of Coorg

summoned one Mota a resident of Krishnarajpet. to give evidence in a criminal case.

As the latter failed to attend the Court in obedience to the summons the Magistrate issued a bailable warrant for his arrest.

Mota who was arrested by the Krishnarajpet Police under the authority of the above

warrant failed to furnish the requisite -

bail and had therefore to be forwarded to

the Magistrate's Court. The Mysore Police

escorted him to Frazerpet, the nearest --

Coorg frontier station to be handed over -

there, to the Coorg Police in accordance

Date of issue 17th May 1915  
Signed by Mr. P. G. D' Souza.

(1) No.8761-Judl.12  
dated the 21st January  
1879.

(2) No.7291-Jl49dated  
the 12th January 1880.

accordance with the instructions contained  
in the marginally noted orders of the --  
late Chief Commissioner of Mysore. But  
-the Police of Fraserpet refused on 13th  
October 1913 to take charge of him. The  
Police at Santikoppal likewise declined  
to take charge of the prisoner. The Mysore  
Police were therefore obliged to take him  
to Mercara where he was handed over to the  
Coorg Police, it is reported, after much  
trouble.

In this connection I am also to -  
bring to notice the doubtful legality of  
the Procedure adopted by the Magistrate of  
Coorg. As the law at present stands, the  
Magistrate does not seem to have the power  
to enforce attendance of witnesses residing  
in Mysore by the issue of a warrant of ar-  
rest. The Darbar, however, would not at -  
present press this question to a decision  
as no inconvenience is likely to be practi-  
cally felt in securing voluntary attendance  
of witnesses in the few cases in which it

would be

be required.

I have &c.

Es, 2/5

h Offg. Secretary to Government.

Laguer

  
13/5/15

A.S.